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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/916,325

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Moshe Weiner

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EXAMINER

BEAMER, TEMICA M

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

04/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/916,325

Applicant(s)

WEINER, MOSHE

Examiner

TEMICA M. BEAMER

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-18 and 26-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 26-36, 40 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 16-18, 37-39 and 42 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 26-36, 40 and 41 in the reply filed on 10/9/2007 is acknowledged. The traversal is on the ground(s) that serious burden does not exist. This is not found persuasive because the examiner believes that the data manipulation functions (i.e., zooming, fast forwarding, etc.) required during the sessions require a different search than the functions of the elected claims (i.e., running, stopping, interrupting and resuming the data session), hence place a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 26-36, 40 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Dowling et al (Dowling), U.S. Patent No. 6,574,239.

Regarding claims 26 and 40, Dowling discloses a method for managing a plurality of sessions comprising: initiating a first session in a first device connected to a data source; initiating a second session in the first device while the first data session is still running; stopping the first session in the first device; and continuing the first session in a session management server (col. 4, lines 14-26).

Regarding claims 27 and 41, Dowling discloses the session management method of claim 26, further comprising resuming the first session in the first device at the point at which the first session was interrupted (col. 4, lines 14-26).

Regarding claim 28, Dowling discloses the session management method of claim 26, wherein the first session and the second session are both data sessions (col. 10, lines 16-35).

Regarding claim 29, Dowling discloses the session management method of claim 26, wherein the first session is a data session and the second session is a voice session (col. 6, lines 45-50).

Regarding claims 30-32, Dowling discloses the session management method of claim 26, wherein the first device can be a cellular telephone, pda or personal computer (col. 1, lines 42-48).

Regarding claim 33, Dowling discloses the session management method of claim 26, wherein the first and second sessions are initiated using at least one key (col. 7, lines 22-25).

Regarding claim 34, Dowling discloses the session management method of claim 26, wherein the first session comprises downloading a data file (col. 7, lines 38-41).

Regarding claim 35, Dowling discloses the session management method of claim 26, wherein the data source is the Internet (col. 13, lines 21-29).

Regarding claim 36, Dowling discloses the session management method of claim 26, wherein the data source is a WAP gateway (col. 16, lines 42-45).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McConnell et al discloses a method and system for providing services in communication sessions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TEMICA M. BEAMER whose telephone number is (571)272-7797. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Temica M. Beamer/
Primary Examiner, Art Unit 2617